

REMARKS

Claims 1, 2, 9, 11, 12, and 19 have been canceled. Claims 3-8, 10, 13-18, and 20 remain pending and have been amended. The amendments are believed to put the application in condition for allowance; therefore, entry of the amendment is requested. Applicants reserve the right to pursue the original claims in this and other applications. Reconsideration and withdrawal of all outstanding rejections and objections are respectfully requested in light of the foregoing amendments and the following remarks.

Claims 1-20 stand rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Specifically, the Office Action states that the limitation “said plurality of elements each having the same shape. . . is not supported in the original specification.” Please note, however, that support for this limitation can be found, for example, in FIG. 2 of the application. FIG. 2 shows that a predetermined pattern includes three marks, and that a mask 11 includes a foreground part (mark) 11b including pixels forming each mark. FIG. 2 indicates that the respective foreground parts 11b, i.e., marks, have the same shape. In addition, from the description of the embodiment, it is clear that the marks of the pattern have the same shape.

Claims 5 and 15 stand rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Specifically, the Office Action states that the specification does not explain how “area balance” is examined, as recited by these claims. Claims 5 and 15 have been amended to obviate the rejection. Support for the amendment can be found in the application as originally filed at, for example, p. 15, lines 3-10 and Table 2.

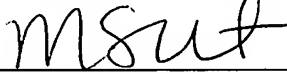
Claims 1, 2, 9, 11, 12, and 19 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,008,946 to Ando (“Ando”). The rejection is obviated in view of the amendments.

The Office Action acknowledges that claims 3-8, 10, 13-18, and 20 contain subject matter that is not found in the prior art. Office Action, at 6. Each of these claims

has been rewritten in independent claim and as to obviate the outstanding rejections and objections. Accordingly, Applicants believe that each of the pending claims in this application is in condition for immediate allowance. Entry of the amendments and allowance of claims 3-8, 13-18, and 20 are solicited.

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